

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 08-0318

**ELECTRONICALLY FILED**

v.

ANDREW PEARSON also known as COOKIE  
also known as GARNETT LEWIS OWENS also  
known as LOUIS OWENS,

Defendant.

**Order of Court**

On August 17, 2009, Defendant plead guilty to Count One (1) of a two Count Indictment charging interstate travel in aid of racketeering and carjacking in violation of 18 U.S.C. § 1952(A)(2) and 2119 (2). On July 13, 2011, Defendant was sentenced to 121 months imprisonment to be served concurrently to any sentence he receives for his parole violation in Alabama state court, to be followed by 3 years of supervised release

On January 23, 2013, Defendant sent a letter to the Court seeking credit for time served. On February 8, 2013, the law clerk responded to Defendant explaining that while the Court does not respond to letters, the Court noted that his request was “best directed to the Bureau of Prisons in the Eastern District of Arkansas as the Bureau of Prisons has the jurisdiction over sentencing calculations and credit for time served.”

On September 4, 2013, Defendant filed a Motion to Correct Sentence, and this Court denied his Motion by Text Order, on September 6, 2013, stating that, “this Court is without

jurisdiction to address issues related to credit for time served, as this is properly within the purview of the Federal Bureau of Prisons (BOP). To the extent Defendant seeks that this Court ‘deduct’ 24 months from his current sentence, said Motion is DENIED.”

Defendant has now written another letter (deemed as a motion) seeking a sentencing adjustment for “two years jail credit” and seeking it should be credited to his federal sentence. Again, said Motion is DENIED because calculations of time served are within the jurisdiction of the Federal Bureau of Prisons.

Because Defendant has not exhausted his available administrative remedies within the Bureau of Prisons, as is required, *Bradie v. Warden*, 2009 WL 3415163 (D.N.J. October 21, 2009), the Court denies Defendant’s motion (doc. no. 552) without prejudice. To the extent, Defendant now seeks a “departure” under Section 3553, said Motion is DENIED.

**SO ORDERED** this 2nd day of June, 2014.

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties

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